

REMARKS

Claims 18-28, 47-57 and 72-82 are presented for consideration. Claims 18, 28, 47, 57, 72, and 82 are currently amended. Claims 1-17, 29-46 and 58-71 are currently cancelled.

Claims 1-5, 7, 8 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated, by Toncich (U.S. 2002/01494324). Claims 1-5, 7, and 8 are cancelled. Claim 28 is currently amended to be made dependent upon claim 28.

Claims 11, 12, 58-61, 66, 69, 70 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior in view of Toncich (U.S. 2002/01494324). Claims 11, 12, 58-61, 66, 69, and 70 are cancelled. Claim 82 is amended to be made dependent upon claim 72.

Claims 9, 10, 13-17, 29-35, 44, 45, 62-65, 67, 68 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chien (U.S. Pat. 6,225,871) in view of Toncich (U.S. 2002/01494324). Claims 9, 10, 13-17, 29-35, 44, 45, 62-65, 67, 68 are cancelled.

Claim 57 is amended to be made dependent upon claim 47.

Claims 18-28 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5, 7, 9, 11, 12-15, and 18 of co-pending Application No. 10/733,143 in view of Toncich (U.S. 2002/01494324).

Claims 47-57 and 72-81 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5, 7, 9, 11, 12-15, and 18 of co-pending Application No. 10/733,143 in view of Chien 6,225,871 (Chien) and Toncich (U.S. 2002/01494324).

Claims 18, 47, and 72 are rewritten in independent form including all the limitations of their base claim and any intervening claims. Specifically, claim 18 is amended to incorporate all the limitations of its base claim 1. Claim 47 is amended to incorporate all the limitations of its base claim 29 and intervening claims 44 and 45. Claim 72 is amended to incorporate all the limitation of its base claim 58 and intervening claims 69 and 70.

Claims 18-28, 47-57 and 72-82 are *provisionally* rejected on the ground of non-statutory obviousness-type double patenting. It would appear that claims 18-28, 47-57 and 72-82 would be patentable if a terminal disclaimer were filed in the present application. Applicants are willing to submit such a terminal disclaimer, but is not clear whether any other issues impede the patentability of claims 18-28, 47-57 and 72-82. Applicants request that the Examiner clarify if a terminal disclaimer would suffice to place the presently pending claims in condition for allowance.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration of the present application.

Respectfully submitted,



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Date: January 20, 2006